

**United States Court Of Appeals  
for the Fourth Circuit**

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It's My Party, Inc.; It's My Amphitheatre, Inc.,  
d/b/a Merriweather Post Pavilion,  
*Plaintiffs – Appellants,*

**Case No. 15-1278**

v.

Live Nation, Inc.,  
*Defendant – Appellee.*

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**DEFENDANT-APPELLEE'S OPPOSITION TO  
PLAINTIFFS-APPELLANTS' MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL RESPONSE**

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July 6, 2015

Defendant-Appellee Live Nation, Inc. (“Live Nation”) respectfully requests that the Court deny Plaintiffs-Appellants’ Motion for Leave to File Supplemental Response. No further briefing is required. Plaintiffs’ proposed Supplemental Response attempts to manufacture a new issue out of Live Nation’s provision of courtesy copies of the DVD enclosure to the District Court.

Referencing the District Court’s docket, Plaintiffs-Appellants assert that the DVD enclosure to Live Nation’s March 16, 2015 Supplement was not filed until July 2, 2015. *See* Mot. ¶ 5. However, the DVD was indisputably transmitted on March 16, 2015 and the Case Administrator from the Clerk’s Office for the District Court confirmed that it was received on March 17, 2015. Dkt. 44 ¶ 3. Given that the March 16, 2015 letter was addressed to the Honorable Judge Motz, it was appropriately forwarded directly to Chambers upon receipt. *See* JA1419. Contrary to Plaintiffs’ contorted argument, that fact only lends support to Live Nation’s Motion to Supplement.

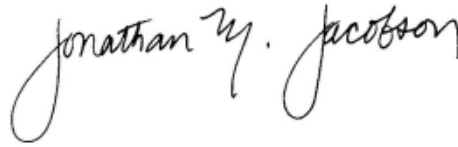
Moreover, Plaintiffs-Appellants’ contention that the July 1, 2015 submission of courtesy copies represents a concession that the material “was not previously on the docket” is just wrong. *See* Dkt. 45-1 at 3. Live Nation’s submission of DVD *courtesy* copies to the District Court was in direct response to a telephone request from the District Court’s Case Administrator. *See* Hayes Aff., Ex. 1 (letter from K.

Piro to N. Dupree, dated July 1, 2015). Live Nation's acquiescence to the District Court's request was reasonable and necessary.

For the above reasons, Plaintiffs-Appellants' Motion should be denied.

Dated: July 6, 2015

Respectfully submitted,

A handwritten signature in black ink, reading "Jonathan M. Jacobson". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

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**CERTIFICATE OF SERVICE**

I, Jonathan M. Jacobson, hereby certify that I caused a true and correct copy of the foregoing Defendant-Appellee's Opposition to Plaintiffs-Appellants' Motion for Leave to File Supplemental Response to be served on all counsel of record via the Court's CM/ECF.

Dated: July 6, 2015

/s/ Jonathan M. Jacobson  
Jonathan M. Jacobson